

FILED  
*for Roanoke*  
MAY 27 2011  
JULIA C. DUDLEY, CLERK  
BY: *M. Hupp*  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

GREGORY SCOTT BLAKE,  
Petitioner,

v.

GENE M. JOHNSON,  
Respondent.

) Civil Action No. 7:10-cv-00572  
)  
)  
)

) ORDER  
)  
)

) By: Hon. Jackson L. Kiser  
) Senior United States District Judge

In accordance with the written memorandum opinion entered this day, it is hereby

**ORDERED**

that respondent's motion to dismiss is **GRANTED**; petitioner's petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED**; a Certificate of Appealability is **DENIED**; and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send a copy of this order and the accompanying memorandum opinion to petitioner and counsel of record for the respondent.

ENTER: This 27<sup>th</sup> day of May, 2011.

*Jackson L. Kiser*  
Senior United States District Judge